

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANSAR EL MUHAMMAD, also known
as CHEVAL WRIGHT,

Petitioner,

vs.

JEANNE WOODWARD, et al.,

Respondents.

No. 2:04-CV-1856-RRB-JFM P

ORDER¹

Petitioner Ansar El Muhammad, also known as Cheval Wright ("Petitioner") is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 27, 2006, the Magistrate Judge filed findings and recommendations herein which were served on all parties and

¹ Respondents' request to substitute S. Ornanski, the new Warden of San Quentin State Prison, for Joseph McGrath as a Respondent in this matter is unopposed by Petitioner, and good cause appearing, is **GRANTED**.

1 which contained notice to all parties that any objections to the
2 findings and recommendations were to be filed within fourteen days.
3 Respondents Jeanne Woodward, et al. ("Respondents") have filed
4 objections to the findings and recommendations and Petitioner has
5 filed a reply to Respondents' objections.

6 Inasmuch as the Court concludes the issues before it are
7 based in law, i.e., legal disputes, and in accordance with the
8 provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, the
9 court has conducted a de novo review of the relevant pleadings
10 filed in this matter. Having carefully and thoroughly reviewed the
11 same, the court finds the findings and recommendations to be
12 supported by the record and by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. The Findings and Recommendations (Docket No. 19)
15 filed February 27, 2006, are adopted in full.

16 2. Respondents' March 30, 2005 Motion to Dismiss
17 (Docket No. 9) is denied.

18 3. Respondents are directed to file an answer to the
19 first amended petition within thirty days from the date of this
20 order. See Rule 4, Rules Governing Section 2254 Cases.
21 Respondents shall include with the answer any and all transcripts
22 or other documents relevant to the determination of the issues
23 presented in the first amended petition. Rule 5, Rules Governing
24 Section 2254 Cases.

4. Petitioner's traverse, if any, is due on or before
thirty days from the date respondents' answer is filed.

ENTERED this 22nd day of March, 2006.

//s//

RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE